

CHARTER COMMISSION 2006

VOTER EDUCATION MATERIALS

Pro/Con List

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Transmitted to Peter Nakamura, County Clerk

August 11, 2006

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 1	Shall the parks and recreation function, which is currently performed by divisions of the Offices of Community Assistance and the Department of Public Works, be instead performed by a newly-created Department of Parks and Recreation?
BACKGROUND	All County parks and County recreational programs are currently administered by both the Department of Public Works and the Office of Community Assistance. As such, the Parks Division is currently a subdivision within the Public Works Department with some recreational programs being administered by the Office of Community Assistance.
EXPLANATION OF PROPOSED AMENDMENT	If approved, this Charter amendment would create a new and separate Department of Parks and Recreation, which would have the responsibility for maintaining and operating County parks and administering County recreational programs.
MEANING OF A "YES" VOTE	A "Yes" vote means that the Parks and Recreation Department would be a new and separate department with the primary responsibility of maintaining and operating all County parks and administering County recreational programs.
MEANING OF A "NO" VOTE	A "No" vote means that County Parks and County recreational programs will continue to be jointly administered by the Department of Public Works and the Office of Community Assistance.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Allows the new department to focus only on issues relating to County parks and recreational programs. • Allows for greater support from Mayor and Council in terms of financial and administrative resources being allocated and dedicated solely to County parks and recreational programs. • May result in County parks that are better maintained and operated and County recreational programs that are more comprehensive and adequately funded. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • The Mayor and the Council currently possess the authority and ability to adequately support and fund existing County parks and recreational programs that are administered by the existing County departments and agencies. • County parks and recreational programs are sufficiently funded and administered without creating a new department.

	<ul style="list-style-type: none">• Additional cost and expense to create a new department, including additional personnel, equipment and funding for operations.
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PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 2	Shall the term of office for councilmembers be limited to four consecutive elected two-year terms, beginning with the 2008 general election?
BACKGROUND	Currently there are no term limits in place for councilmembers. Kauai is the only county in Hawaii without term limits for councilmembers.
EXPLANATION OF PROPOSED AMENDMENT	If approved, councilmembers elected in 2008 will be limited to four (4) consecutive elected two (2) year terms. Any term served by councilmembers prior to the 2008 election will not count towards the four (4) consecutive elected two (2) year terms elected to after the 2008 election.
MEANING OF A "YES" VOTE	A "Yes" vote means that councilmembers elected in 2008 will be limited to four (4) consecutive elected two (2) year terms.
MEANING OF A "NO" VOTE	A "No" vote means that councilmembers will be able to serve as long as they are re-elected.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Prevents councilmembers from serving more than eight (8) consecutive years. • Periodically allows for, as well as strengthens opportunities for new and different candidates to serve on the county council. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Prevents councilmembers who are doing a good job from being able to continue to provide valuable public service. • The voting public should determine how long councilmembers can serve, as opposed to establishing an arbitrary fixed time limit.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;">CHARTER QUESTION 3</p>	<p>Effective 2008, shall three of the seven council members be elected by districts, with one member residing in and elected from each of three districts that shall be established by an apportionment commission to be appointed in 2007, and four of the seven council members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?</p>
<p>BACKGROUND</p>	<p>Currently, all councilmembers are elected at-large by the voters of the County, and there are no districts. Kauai is the only county in Hawaii that does not have some form of districting for county council.</p>
<p>EXPLANATION OF PROPOSED AMENDMENT</p>	<p>If approved, there will be three (3) district council seats, and four (4) at-large council seats. Voters will be able to vote for 4 at-large councilmembers and one councilmember for their district. A commission will be appointed to draw the district lines.</p>
<p>MEANING OF A "YES" VOTE</p>	<p>A "Yes" vote means that there will be three (3) district council members, and four (4) at-large councilmembers.</p>
<p>MEANING OF A "NO" VOTE</p>	<p>A "No" vote means that all seven (7) councilmembers will continue to be elected at-large.</p>
<p>PROS AND CONS</p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Allows representation amongst all districts on the island and gives opportunity for individuals residing in the district who know local issues to serve. • Encourages resident candidates, popular among neighbors who know him or her best, to run for office. • Reduces cost of campaigning by reducing representative area and number of voters affected. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Kauai is small enough in area and population to justify the retention of all at-large council representation. • Districting promotes provincialism and, consequently, policies and spending that focus only on matters important to that district, versus policies and funding priorities that have an island-wide perspective. • District candidates will tend to focus primarily on district issues rather than county-wide concerns.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;">CHARTER QUESTION 4</p>	<p>Shall the Charter Commission, which is currently formed every ten years to study and review the operations of county government and propose amendments to the Charter, instead be established for a period of ten years beginning in 2007 and ending in 2017, and thereafter, revert to being formed every ten years?</p>
<p style="text-align: center;">BACKGROUND</p>	<p>Currently the Charter Commission is appointed by the Mayor with the approval of the Council once every ten (10) years.</p>
<p style="text-align: center;">EXPLANATION OF PROPOSED AMENDMENT</p>	<p>If approved, a new Charter Commission will be established for the next ten (10) continuous years beginning in 2007; thereafter, the Charter Commission will be again be appointed only once every ten (10) years.</p>
<p style="text-align: center;">MEANING OF A "YES" VOTE</p>	<p>A "Yes" vote means a new Charter Commission will be established in 2007 and will exist for 10 years.</p>
<p style="text-align: center;">MEANING OF A "NO" VOTE</p>	<p>A "No" vote means the Charter Commission will not be established again until 2016.</p>
<p style="text-align: center;">PROS AND CONS</p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Improves the Commission's ability to deal with complex issues that require in-depth analysis and lengthy discussion. • Avoids proposing an excessive number of amendments at any one election that could lead to voter apathy and confusion. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Like the Federal and State Constitutions, the Charter should not be frequently amended. • The existing methods of amending the Charter are adequate.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

<p style="text-align: center;">CHARTER QUESTION 5</p>	<p>Shall the findings of the Salary Commission establishing salaries for all councilmembers and county officers and employees who are exempt from civil service become effective, unless rejected in whole or in part, by a vote of five or more members of the Council?</p>
<p>BACKGROUND</p>	<p>Currently there is a Salary Commission provided for in the County Charter, but it has no members appointed to it. The Salary Commission sets salaries for councilmembers and reviews and recommends salaries for all county officers and employees exempt from civil service.</p>
<p>EXPLANATION OF PROPOSED AMENDMENT</p>	<p>If approved, this amendment would give the Salary Commission the power to set the salaries of not only councilmembers, but also county officers and employees exempt from civil service, unless its recommendations are rejected by a supermajority of the council.</p>
<p>MEANING OF A "YES" VOTE</p>	<p>A "Yes" vote gives the Salary Commission the power to set the salaries of county officers and employees exempt from civil service.</p>
<p>MEANING OF A "NO" VOTE</p>	<p>A "No" vote means that the Salary Commission will continue to set the salary of councilmembers, but only make recommendations as to the salaries of county officers and employees exempt from civil service.</p>
<p>PROS AND CONS</p>	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Improves the ability of the County to attract qualified people to public service and to pay them accordingly. • Establishes uniform policies providing guidance to the Commission in setting appropriate salaries for all elected officials and appointees. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Diminishes the authority of elected officials to set salaries for elected officials and appointees. • The Salary Commission's recommendations may not recognize or consider the need to balance the budget of the county.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 6	Shall there be a Boards And Commissions Administrator and any necessary staff to assist in providing training, education, administrative and operational support to the various county boards and commissions?
BACKGROUND	Currently, except for boards and commissions associated with an administrative department, the members of the various county boards and commissions receive minimal support and assistance in performing the duties given to them by the Charter.
EXPLANATION OF PROPOSED AMENDMENT	If approved, the mayor will appoint an administrator to assist in providing the various county boards and commissions with administrative and operational support, orientation and training, and serve as a communications liaison between boards and commissions and the various county departments.
MEANING OF A "YES" VOTE	A “Yes” vote means that a new position of Administrator of Boards and Commissions would be created, with necessary staff, to assist all county boards and commissions.
MEANING OF A "NO" VOTE	A “No” vote means that County Boards and Commission will continue to be supported by the individual departments and offices, as well as the Mayor’s office.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Provides all boards and commissions with necessary orientation, including knowledge of legal framework, ethics, duties and responsibilities. • Provides necessary support staff to all boards and commissions in order to help them better fulfill their duties and obligations. • Provides continuity and institutional knowledge for increased efficiency for all Boards and Commissions. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Unreasonably limits Mayor’s ability to manage and allocate administrative personnel and resources. • Performs duties and responsibilities already performed by other county agencies and departments. • Increases size and cost of government.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 7	Shall all boards and commissions established by Charter consist of seven members, including the Police Commission, Civil Service Commission, Liquor Commission, and the Board of Ethics?
BACKGROUND	Currently the police commission, civil service commission, liquor commission and board of ethics consist of five members. All other boards and commissions established by Charter consist of seven members.
EXPLANATION OF PROPOSED AMENDMENT	If approved, all boards and commissions established by Charter will consist of seven members.
MEANING OF A "YES" VOTE	A "Yes" vote means that all boards and commissions established by Charter consist of seven members.
MEANING OF A "NO" VOTE	A "No" vote means that all boards and commissions established by Charter consist of seven members except for the police commission, civil service commission, liquor commission and the board of ethics.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • With more members, increases efficiency and ability of boards and commissions to more effectively carry out their duties and responsibilities. • Additional members provide a broader range of experience, knowledge and perspective. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Already difficult to find sufficient volunteers to serve on existing boards and commissions. • May increase size and cost of government.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 8	Shall all members of boards and commissions serve staggered terms of three years, including the Cost Control and Salary Commissions, whose members currently serve terms ending at the same time as the Mayor?
BACKGROUND	Currently all boards and commissions serve staggered terms of three years except for the Cost Control and Salary Commissions, whose members serve terms ending at the same time as the Mayor.
EXPLANATION OF PROPOSED AMENDMENT	If approved, all members of boards and commissions will serve staggered terms of three years.
MEANING OF A "YES" VOTE	A “Yes” vote means that all members of boards and commissions will serve staggered terms of three years.
MEANING OF A "NO" VOTE	A “No” vote means that all members of boards and commissions will serve staggered terms of three years except for the Cost Control and Salary Commissions, whose members will continue to serve terms ending at the same time as the Mayor.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Provides for continuity of experience, institutional knowledge and historical overview. • Commissions and boards could have more balanced representation as membership terms could span more than one (1) administration. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Lessens a mayor’s ability to appoint all commissioners consistent with his/her philosophy. • Less efficient than having all commissioners serving for the same period of time.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 9	Shall all members of boards and commissions be appointed by the Mayor and approved by the County Council, including the Cost Control and Salary Commissions?
BACKGROUND	Currently, all members of boards and commissions established by Charter are appointed by the Mayor and approved by the County Council except for the Cost Control and Salary Commissions, to which three members are appointed by the mayor, three by the County Council and the seventh appointed by the selected six.
EXPLANATION OF PROPOSED AMENDMENT	If approved, all members of boards and commissions established by Charter, including the Cost Control and Salary Commissions, will be appointed by the Mayor and approved by the County Council.
MEANING OF A "YES" VOTE	A “Yes” vote means that all members of boards and commissions established by Charter will be appointed by the Mayor and approved by the County Council.
MEANING OF A "NO" VOTE	A “No” vote means that all members of boards and commissions established by Charter will be appointed by the Mayor and approved by the County Council, except for the Cost Control Commission and the Salary Commission.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Standardizes the appointment process to be consistent with all other Charter boards and commissions. • Provides a check and balance by allowing both executive and legislative branches of government to have shared authority in the appointment process. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Decreases Council’s ability to make appointments. • Overburdens Mayor in recruiting and making initial appointments.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 10	Shall there be a Fire Commission consisting of seven members who shall appoint and remove the fire chief, review and make recommendations relating to the Fire Department's annual budget and operations and hear complaints of citizens concerning the department or its personnel?
BACKGROUND	Currently there is no Fire Commission, and the Fire Chief is appointed by the Mayor. Kauai is the only county without a Fire Commission.
EXPLANATION OF PROPOSED AMENDMENT	If approved, a Fire Commission will be created, and that commission will appoint the Fire Chief, make budget recommendations, and provide a forum for people to initiate complaints concerning the department or its personnel.
MEANING OF A "YES" VOTE	A "Yes" vote means that a Fire Commission will be created, and this commission will appoint the Fire Chief.
MEANING OF A "NO" VOTE	A "No" vote means that a Fire Commission will not be created and the Mayor will continue to appoint the Fire Chief.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Provides for continuity of policy management and long-range planning which is critical for public safety or emergency services. • Depoliticizes the appointment process by taking away the authority of the mayor to appoint the Fire Chief and giving it to the Fire Commission. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • No current significant problems have been identified with the present structure and organization, and no identified need has been shown for a new commission. • Increases the size and cost of government.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 11	Should the requirement that each initiative and referendum petition be signed by not less than 20% of the number of eligible voters in the last general election be reduced to 5% of eligible voters?
BACKGROUND	Currently each initiative and each referendum petition must be signed by not less than twenty percent (20%) of the number of eligible voters in the last preceding general election.
EXPLANATION OF PROPOSED AMENDMENT	If approved this amendment would reduce the number of signatures required from twenty percent (20%) to five percent (5%) of the number of eligible voters in the last preceding general election.
MEANING OF A "YES" VOTE	A "Yes" vote means that an initiative or referendum petition would need only five percent (5%) of the number of eligible voters in the last preceding general election.
MEANING OF A "NO" VOTE	A "No" vote means that the number of signatures necessary for an initiative referendum petition will remain at twenty percent (20%) of the number of eligible voters in the last preceding general election.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Makes it easier for citizens to enact or repeal county laws, and consequently gives citizens a greater opportunity for direct participation in the operation of their county government. • Makes signature requirements for initiative and referendum the same as existing signature requirements for citizen-initiated Charter amendments <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Potentially allows for a smaller group of people who do not necessarily represent the views of the general public to influence County legislation. • Weakens principle that County legislation should be enacted through an elected group of representatives, versus through a direct vote of the public and weakens view that laws are made by a representative democracy.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 12	Shall the requirement that each recall petition be signed by not less than 20% of the voters registered in the last general election be reduced to 5%?
BACKGROUND	Currently a petition to recall an elected official for the County requires the signatures of currently registered voters numbering not less than twenty percent (20%) of voters registered in the last general election.
EXPLANATION OF PROPOSED AMENDMENT	If approved this amendment would reduce the number of signatures required for a recall petition from twenty percent (20%) to five percent (5%).
MEANING OF A "YES" VOTE	A "Yes" vote means the number of signatures required to force a recall election would be reduced from twenty percent (20%) to five percent (5%).
MEANING OF A "NO" VOTE	A "No" vote means that the number of signatures required to force a recall election would remain at 20% of the registered voters in the last general election.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Makes it easier for citizens to remove non-responsive public officials. • Makes signature requirements for recall the same as existing signature requirements for citizen-initiated Charter amendments. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Potentially allows for a smaller group of people who do not necessarily represent the views of the general voting public to require a costly and time-consuming special recall election to occur. • A five percent signature requirement is too small a sampling of voters to require a recall election.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 13	Shall the Code of Ethics be amended to prohibit a councilmember from voting on a matter in which the councilmember has a conflict of interest unless the councilmember's participation is required for a quorum and subsequent vote?
BACKGROUND	Currently councilmembers who have a conflict of interest in a matter must disclose that conflict of interest, but are not prevented from voting on the matter.
EXPLANATION OF PROPOSED AMENDMENT	If approved, councilmembers will no longer be able to vote on matters in which they have a conflict of interest, unless the councilmember's participation is required for quorum purposes.
MEANING OF A "YES" VOTE	A "Yes" vote means that councilmembers will no longer be able to vote on matters in which they have a conflict of interest, unless their participation is necessary for quorum purposes.
MEANING OF A "NO" VOTE	A "No" vote means that councilmembers will continue to be able to vote on matters, even if they have a conflict of interest, as long as they disclose the conflict of interest.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Does not allow a councilmember to vote if they have a conflict of interest. • Prevents councilmembers from participating in debate that may unduly influence decision-making. • Promotes a high standard of integrity and morality in government. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • Councilmembers need to participate as an elected representative. • Public disclosure of a conflict of interest is sufficient without the need to recuse themselves from voting. • Avoids frivolous claims of alleged conflict of interest.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 14	Shall the requirement that the County Engineer be a registered engineer be removed from the Charter?
BACKGROUND	The existing Charter requires the County Engineer to be a registered engineer, which has severely limited the number of applicants who can be considered by the Mayor to fill this position.
EXPLANATION OF PROPOSED AMENDMENT	If approved, the requirement “shall be a registered engineer and” will be removed from the Charter and will read “shall have had a minimum of five years of training and experience in an engineering position, at least three years of which shall have been in a responsible administrative capacity.”
MEANING OF A "YES" VOTE	A “Yes” vote will remove the registered engineer requirement to qualify for the position of County Engineer.
MEANING OF A "NO" VOTE	A “No” vote will keep the existing Charter language and requirement that the County Engineer be a registered engineer.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • Expands the amount of applicants for the position, which may expedite the filling of the position. • There are other licensed engineers within the Public Works Department. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • The title County Engineer indicates that the person be a licensed engineer in the State of Hawaii. • Person selected may not possess enough technical knowledge to make engineering-related decisions for the department.

PROPOSED AMENDMENT TO THE KAUAI COUNTY CHARTER

CHARTER QUESTION 15	Shall the title of Administrative Assistant be changed to Managing Director?
BACKGROUND	The Mayor's assistant is presently called the Administrative Assistant in the existing Charter. This term is more closely linked to the clerical staff rather than an executive position and this title may be outdated.
EXPLANATION OF PROPOSED AMENDMENT	If approved, Administrative Assistant, as referred to in the Charter, will be replaced by Managing Director in Sections 6.04 and 7.06 of the Charter.
MEANING OF A "YES" VOTE	A "Yes" vote means that the position of Administrative Assistant will be changed to Managing Director with the same duties and responsibilities.
MEANING OF A "NO" VOTE	A "No" vote means that the existing Charter language referring to the Administrative Assistant will not be changed.
PROS AND CONS	<p><i>Pros:</i></p> <ul style="list-style-type: none"> • More accurately describes the duties and responsibilities. • Existing title relates the position to a clerical support function rather than an administrative one. <p><i>Cons:</i></p> <ul style="list-style-type: none"> • May erroneously indicate a job description change. • The existing job title accurately reflects the position as assistant to the Mayor as required in the Charter.